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GSA National Capital Region

MEMORANDUM FOR ALL SERVICE DELIVERY CENTERS, BUILDINGS
MANAGERS, AND DIRECTOR, FEDERAL PROTECTIVE
SERVICE

FROM:

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DEPUTY, ASSISTANT REGIONAL ADMINISTRATOR
PUBLIC BUILDINGS SERVICE (WP)

SUBJECT:

Approving Building Permits for the Occasional Use of
Public Buildings

The purpose of this memorandum is to provide guidance to the Buildings Managers with respect to the issuance of building permits for the occasional use of public buildings.

Under the Public Buildings Cooperative Use Act, members of the public are permitted, under certain conditions, to use a public area within a public building for cultural, educational and recreational activities. Public access to our buildings continues to be an important policy objective of the Public Buildings Service.

As the person responsible for granting or denying permit applications, Buildings Managers must be thoroughly familiar with the conditions under which the public may be permitted to use public areas within our public buildings (public buildings are GSA owned buildings, not leased buildings). The conditions are contained in 41 C.F.R. 101-20.4, "Occasional Use of Public Buildings", a copy of which is attached for your reference. Set forth below is a summary of the requirements:

1. Any person or organization that wishes to use a public area within a GSA public building must apply to do so by filing an application for permit with the GSA Buildings Manager responsible for the building. The application is to be made on GSA Form 3453 (copy attached). 41 C.F.R. 101-20.401. There are no exceptions to this rule: every occasional use must be permitted in accordance with the regulations. An approved permit application (with all required information) must be retained in your files to document every occasional use permitted under the regulations.

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2. Every application for permit requires the following information of the applicant(s), as set forth in 41 C.F.R. 101-20.401:

- Full name
- Mailing address
- Telephone numbers
- Organization sponsoring the proposed activity
- Individual responsible for supervising the activity (if different than the applicant, full name, mailing address, and telephone number are required)
- Adequate documentation showing that the applicant has the authority to represent the sponsoring organization
- A description of the proposed activity, including the dates and times during which it is to be conducted and the number of persons to be involved; the proposed activity must be cultural, educational or recreational in nature in order to qualify for a permit
- A copy of all printed material that the applicant proposes to distribute to participants or to post on the building premises.

There are no exceptions to the requirement that permit applications be accompanied by the foregoing information. You have the right to request information of the applicants, and to thereafter deny the application if the applicant provides insufficient or incomplete information to you. Please note that there are additional requirements with respect to permit applications involving solicitation of funds.

This requirement means that as the Building Manager, when a request for use of the public space in your building is made, you are responsible for (a) requiring submission of building permit applications; (b) ensuring that the permit applications are complete with all required information before they are approved; (c) reviewing the application; (d) determining whether to grant or deny the permit, and (e) obtaining FPS (Federal Protective Service) review prior to issuing the permit. FPS must review the request to determine the appropriate level of security. There may be instances where no additional guard service is required. However, additional guard coverage may be required, and any costs associated with additional security will be borne by the requestor.

If you believe that any permit application contains suspicious information, or if you need assistance in determining the validity of the information that has been submitted with the application, you should seek advice and assistance from the FPS and/or the Office of Regional Counsel immediately.

3. A permit application must be disapproved, or a permit already issued must be cancelled when, among other reasons set forth in 41 C.F.R. 101-20.403:

- The applicant fails to submit all information required in 41 C.F.R. 101-20.401

- The applicant is found to have falsified any information required in 41 C.F.R. 101-20.401
- The proposed use interferes with access to the public area, disrupts official government business, interferes with approved uses of the property by tenants or by the public, or damages any property
- The proposed use is a commercial use, or is intended to influence or impede a pending judicial proceeding or violates the rule against political solicitations in 18 U.S.C. 607.

As the building manager, if you determine that a permit should be denied or cancelled, you must promptly notify the applicant or permittee of the reasons. Applicants have the right to appeal your decision.

4. Applications should be acted upon within ten (10) working days of their complete submission. 41 C.F.R. 101-20.402. Permits are not to allow activity in excess of 30 days, although a new permit, based on a new submission, may be submitted for a continuation of the activity. If the permit involves demonstrations and activities that may lead to civil disturbance, the Buildings Manager must coordinate with the Federal Protective Service before approval. Such coordination must be documented.
5. All permittees are subject to all building rules and regulations governing conduct on Federal property. In addition, among other things, no permittee may:
 - Misrepresent his or her identity to the public
 - Conduct any activity in a misleading or fraudulent manner
 - Discriminate on the basis of race, creed, color, sex or national origin in conducting the permitted activity
 - Not distribute any item, nor post or otherwise affix any item, for which prior approval under 41 C.F.R. 101-20.401 has not been obtained

In addition, all permittees will be subject to the security levels in effect as of the time the event is scheduled. As the building manager, if you conclude that a permittee has not abided by the conditions of the permit, you should cancel the permit after providing notice to the permittee.

If you have any questions about the foregoing, or if at any time, you have questions about the process of permit application, or a permit, you should contact the Office of Regional Counsel.

Attachments